

2
A
NEW DISCOVERY
OF
PERSONAL TITHES:

OR
The TENTH PART of Mens
CLEERE GAINES

Proved due both in CONSCIENCE,
and by the LAWS OF THIS
KINGDOM.

BY
C. BURGESS.



LONDON,
Printed by J. L. for William Sheffard,
and are to be sold at his Shop, at the
entring in of Popes-head Alley, our
of Lumbar'd Street.

A
NEW DISCOVERY
OF
PERSONALITIES
OR

The Tenth Part of Men's

Proved due both in
and by the Law of the
Kingdom

BY

C. B. B. B.

10; 604



LONDON

Printed by A. A. for William St. John
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1717

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Domino Episcopo
Londini.

Libro 2

Deputy
Censor

SA

READER,

Some Aduertisements.

1. **R**Eade All, or reade nothing.

2. Pardon me that I take not vp that Principal Weapon of this Warfare: viz. Ius Diuinum. My Betters haue often done that; but, Heu! (such is the hardnesse of mens hearts,) with a Satis parum of fruit.

3. To that Tenet I subscribe affirmatiuely, ex animo: but with Caution.

1. Tithes (I say not, ought else) are due by Diuine Right.

Aduertisements.

Right to Ministers of the Gospel. 2. I neuer was, nor (I thinke) ever shall be of opinion, that, All Tithes within such, or such a circuit of Ground, now by Positiue Law made but one Parish, are absolutely, and without al expection, due by Diuine Right to the Person of one single Incumbent there, but to the Church, in whose name he receiueth them.

4. The Reason of forbearing that Argument, here, is) because I am to deale with men, that else would complaine of Begging

Aduertisements.

ging the Question, and
that I dispute ex non con-
cessis. No disputation will
yeeld good fruit, vntlesse
some Principles undeniable
on all hands bee held, to cut
off all Difficulties which all
Disputes will produce.

5. Though the Conclu-
sion undertaken be proper-
ly mine, yet the Premisses
bee as properly theirs with
whom I dispute. Nothing
therefore can be left to deni-
all, vntlesse the Conclusion.
And who so denieth that, de-
nies obedience both to God
and Man. This (being pro-
ued) will take off the asper-
sion of Couetousnesse, vn-

Aduertisements.

iustly cast vpon the Minister
by the Mammonists ; and
iustly cause it to fall vpon
himself for denying payment
of what the Lawes both of
God and Man haue made
due to his Pastor ; wherein
he breakes sixe of the Ten
Commaundements at
once : viz. The second Com-
mandement, by Sacriledge ;
the fourth Commandement,
by denying the meanes of
sanctifying the Sabbath :
the fifth Commandement, by
dishonoring his Spirituall
Father : the sixth Comman-
dement, by causing (as much
as in him lies) his Minister
to perish for want of main-
tenance :

Aduertisements

tenance: the eighth Com-
mandement, by robbing the
Minister of his iust dues:
and the ninth Commande-
ment, by bearing false wit-
nesse against his neighbour,
vniustly accusing the Minis-
ter of Conuetsnes, which
is indeed the proper sinne of
himselfe. ~~and in I~~
~~le 100 ff~~ ~~God be not so presse,~~
and Sylogisticall through-
out, as some may expect,
consider what I intended
this Worke, principally to
Vulgar Capacities, whom it
chiefely concernes. And in
dealing with such, the
Palmē is better than the Fist.
17. In stead of Incum-
100 T. 2. 100 A 5 10 bent,

Advertisements.

bent, I often use the word, Pastor; not as better, simply, or including therein an Episcopal Authority; but as more distinct, facile, and plaine to some Understandings that I write vnto.

8. If the Distinction of Personall, and Prediall Tythes, seem heathen Greek, take notice, That Predial Tythes are such as arise out of the Ground; as Corne, Hay, increase of all kinds of Cattle, Fowles, Fruit, &c. Personal, are such as grow out of the lawfull gaines gotten by any Art, Science, Manuall Occupation, Trade, Merchandize, &c. of any Person or Persons. 9. That

Advertisements.

9. That I fall so Meeting, and exposition of Scriptures, is not wholly incongruous. The Subject is mixt. And though the Roofe, and Battlements be of Law, yet the Ground-cell, and Foundation is Diuinity. No man can finish this Pile, without some help from both Professions. The Lawyer cannot doe it, without encroachmēt vpon our ground: Nor wee, without the like vpon His. He hath begun; therefore let him allow the same liberty to vs, to build a Buttresse or two vpon his Free-hold, the better to support our Building.

Why

Advertisements.

Why not? Have not Two
Great Masters, one of Ci-
uill, the other of Canon
Law, amongst vs, taken their
pleasure in our Walkes, and
handled Subjects meerely
Theological? Such Pre-
cedents will, I hope, make
that pardonable to me, which
some thinke, is matter of
Praise to them. Yes: (will
you say,) if you come off
well. Goe to, then. Consider,
and Censure.

— Sed magis acri
Iudicio perpendes & subtili vera videntur,
Dede manus: aut, si falsa est, accingere contra.

Some letters and points omitted, transplaced,
or redundant; correct, or pardon.



A
NEVV DIS-
COVERY OF
PERSONAL
TITHES,

Proving that

EVERY Person within this
Kingdome vsing any Pro-
fession, Art, Science, Handy
craft, Trade, Merchandi-
zing, Buying, Selling, Bar-
tering any Goods, Wares,
or Commodities by which a-
ny lawfull Gaines are made,
is bound both in Conscience,
and by the Lawes of this
Realme, to pay the TENTH
part of all his cleere Gaines

B

(as

A new Discovery,

(as a due debt) to his Pa-
stor; vntlesse some speciall
Custome, Composition, or
Priuiledge of the Place
where he liues allowed by
Law, exempt him there-
from.

BEfore I enter vpon
the prooffe of this
Proposition, I craue
leaueto professe 3. things.

1. That my Purpose is
not here to fall vpon that
Question, (for I make no
Question of it) Whether
Tithes be perpetually due
to the Ministers of the
Gospell by *Diuine Right*:
nor to fetch any Argu-
ment from that Tenet to
proue the point in hand.

2. That I intend not
the Iustification, in point
of equitie, of Persons lay-
ing

ing hold on the Customes,
or Priuiledges of the Pla-
ces where they lue, to
pay little, or nothing: but
to leaue their practises and
consciencs to be main-
tained by such as are bet-
ter able to plead for them,
and are willing to be en-
tertained in so doubtfull
a Cause.

3. That my chiefe ayne
in this discourse is (if it be
possible) to pull sundry
honest Christians out of a
dammable sinne, whereof
perhaps many of them
neuer dreamt; which
knowing and considering
of as I do, I hold my selfe
bound in conscience to
make *Discovery* thereof
vnto them, least I be guil-
tie of their sinne, and their
blood.

A New Discovery,

4

The Arguments on which the *Proposition* undertaken is originally grounded, (as I intend now to confirme it,) are drawne from these places of Scripture.

1. *Corinth. 9. 13, 14.* Doe yee not know that they which minister about holy things, live of the things of the Temple? And they which waite at the Altar, are partakers with the Altar? Even so hath the Lord ordained that they which preach the Gospel should live of the Gospel.

Gal. 6. 6. Let him that is taught in the word, make him that taught him partaker of all his goods.

From these Scriptures I deduce these foure vnderstandable Conclusions: viz.

1. That

1. That God hath as carefully and firmly taken order for the maintenance of the Ministers of the Gospel, as ever he did for the Priests & Levites in time of the Law.

2. That their maintenance must arise from, and out of whatsoever the People have by the blessing of God upon their labours in their severall Callings.

3. That every man instructed must communicate to his Teacher; be the instructed mans Calling what it will; and that what hee communicates in this kinde is not a free Contribution, or voluntary bounty, but a *due debt* imposed by God.

4. That God having thus provided for the maintenance of the Minister, Every Pastor performing his duty,

may iustly demand a portion of euery mans goods whom he instructeth; and that as his proper Portion appointed by God himselfe.

No intelligent man durst absolutely to deny any of these Conclusions for substance: yet there are who make some Questions, touching some particulars in them, as they are laid for grounds proving a Tenet of the men vsing Trade, &c.

The Questions are Two viz.

1. Whether, if a Minister haue a Competence out of Prædiall Tythes: that is, of the Profits of the Ground; A Man that liues by Trading be bound of due to giue as much to his Minister,

nister, as if he had not such a Competencie from other men? And

2. If euery Trades-man must pay; then, whether he be bound to pay a Tenth?

These Questions will be best resolved to euery mans capacitie and satisfaction, by propounding and answering the vsuall Plea's which men make against my Position.

If a Minister (say some) have a Competent living out of Prediall Tithes in kinde, or by Composition, which he may recover by Law from such as deale in Husbandry; then, such as live upon Trade, or other Bargaining, or Manufacture are not bound to allow him more then the Lawes of the Kingdome enioyne; or at
B 4 least,

1. Question, and Plea.

A New Discovery,

least, not so much as otherwise they ought.

Answer.

To this I answered thus :

viz.

1. Because I desire to avoide wrangling and tedious disputes, and to convince these men by their owne Rules ; I will, for the present, admit, that, if the Minister haue a Competencie arising from Tithes, Tradesmen are not bound to make a larger allowance then the Lawes of the Realme binde them vnto.

2. Yet, so much as the Lawes require of them they must pay, what euer his maintenance arising from others amounteth vnto.

This last appeares thus:

1. The Apostle saith,
Let him that is taught out
of

of the Word, &c. that is,
euery Hee, none excep-
ted; vnlesse him that hath
nothing to giue. If others
giue, and I thinke by that
to be excused, how doe I
obey the Apostles pre-
cept which excludes none
but them that haue no-
thing? If a Minister might
not require maintenance
of the Tradesman, be-
cause hee hath enough
from others in Prædiall
Tithes, it would follow,
that if he had a Temporal
estate of his owne suffici-
ent to maintaine him, he
could not iustly demandaund
any Tithes at all: which
I thinke no man (well in
his wits) would affirme.
For, *Who goeth a warfare
at any time at his owne
charge? Who planteth a*

Vine-yard, and eateth not of the fruit thereof? or who feedeth a flocke, and eateth not of the milke of the flocke? 1. Cor. 9. 7. Eue-ry man therefore that is made partaker of the Ministers Spirituals, must render Carnals. verse 11.

2. Admit a Minister may by Law recouer a maintenance without the Tenth of the Tradesmans encrease, yet it often happens that a good part of his meanes (if he liue in a Country Towne especially) ariseth out of the small Tithes and Oblations of the Poore who stand in daily neede of Almes from him. In this case, will any conscionable Christian thinke, that so long as such petty dues may

may be by Law extorted from the poore, he should rather take this course to be maintained, then call to rich Tradesmen for such a portion as may fill vp that Competencie which is made vp by the Poore? Should not those Tradesmen holde themselves bound to yeeld him so much as that hee may rather be able to giue to the poore, then enforced to pull the poore mans bread out of his belly, to saue the rich mans purse?

3. Suppose such as vse husbandry should thinke (as our *Task-masters* would perswade them) that in respect of the liberty of conscience and equitie, they are free by Gods word from paying Tithes,

Tithes, and so deny payment, as the Tradesman doth: how then shall the Minister haue his Competencie raised?

I know to this it will be answered by a Tradesman: That the Parliament which hath absolute power to set a part what portion it will of all mens goods for any publique good vse, hath ordained that Husbandmen shall yeeld the Tenth of their increase to the Minister for his service: and therefore if the Husbandman deny payment, there is Law to compell him.

True. But of him that would haue vs plead Law to the Husbandman, I demaund; whether hee doe thinke that Lawe of the Kingdome to be equall, and such

such as the Husbandman is bound in Conscience to obey, considering that Hee seeth Tradesmen (who sometimes with more ease get as much in one year, as hee with all his toyle can gather in five,) take themselves not to be strictly bound to pay any thing, (as Tradesmen,) but two pence at Easter? And if we vrge them with conscience, they retort a captious answer; Why should not the Magistrates conscience (who hath left vs at liberty,) bee as good as yours? One of these two therefore, must bee yeelded and confessed; Either the Law of the Land is iust, and good; or else vniust, and without warrant from the Word of God.

First,

The first
part of the
Dilemma.

First, If the Lawe bee graunted to be *iust, and good* in this case, then it must bee confessed that there is both equitie, and strength sufficient to binde the Husbandman in conscience to submit vnto it; and to assure the Minister that he may with a good conscience presse it vpon him, if he refuse it. If there bee any equitie in this Law (as doubtlesse there is) it consisteth in this, that *Spirituals doe well deserue Carnals*. And if this equitie will hold to bind the Husbandman when God blesteth him with any increase, let any man shew me a reason, why he should pay so much of his Carnals for Spirituals; and not the Tradesman whom God hath blessed with Carnals as much, or more. If

If it be said, *the Husbandman hath Tithes; and the Tradesman, none.* This alters not the case in respect of equitie of maintaining the Pastor, in the Tradesmans iudgement: for he doth not hold Tithes to be the proper constant and fittest maintenance of the Ministers of the Gospel, by *Divine Right*; but strikes in with some of the Papists, and Brownists and some others of late time (who, herein, daunce all in a ring;) and avoucheth that they are now due vpon another ground, namely by vertue of the Magistrates Law only. Therefore the Tradesman cannot plead this as a reason why in equitie the Husbandman should pay so much, and himselfe so little.

The

The equitie of the Magistrates Law in respect of the Husbandman is this. Hee partakes of Gods blessing in Temporals, therefore it is iust hee should returne vnto God a portion thereof for the maintenance of his Ministers who *sew vnto him Spiritualls*. Now, this cannot but reach all sorts of men, so blessed, as well as any. Vnto all men it is commaunded, *Honour God with thy substance, and with the first fruits of all thine increase. Prou. 3. 9.* If any thinke, this held only in the time of the Law, or that it was spoken only to Husbandmen, let him consider whether this agreeth not in all points to the Apostles peremptory cōmaund more then once pressed in the Gospel,

Gospel, and that not to Husbandmen, but to Citizens and Tradesmen in the Cities of *Corinth*, and *Galatia*.

But the Tradesman wil yet plead, that *his Profession is Casuall*, and he often loseth more then he gets? Will the Minister beare a part in his losses?

I answere that this Plea becomes none but an earth-worme who makes *Mammon* his God.

For, 1. So doth the Husbandman lose too, and yet payes Tythes of what remaines: which if hee should not doe, the Minister might starue for want of a maintenance iustly due vnto him by the Tradesmans Rule. So courteous some of our hot Professors are to
their

their Pastors whom they admire most.

2. When the Tradesman hath no increase, he is not bound to pay increase: yet is hee still (if he be able) bound to help maintaine his Minister, if he be in want. This hee is tyed vnto by the Rule of Charitie.

3. The Minister when hee calles for his gaires, doth not call for them in the way of *Partner-ship*; but as a *due for Spirituals*, enioyned by Law according to the Word. Although the Law hath set out no allowance of any thing but of increase, yet the Minister takes no lesse paines when the Tradesman looseth, then when he gaineth. And will the boun-

A bountifull Tradesmā think
it equitie, not only (in
that case) to let the Mi-
nister worke for nothing;
but require him to pay
backe part of his last dues
formerly receiued, or else
resolue not to pay him of
his gaires at all. If the
Tradesman shal follow in
his estate that hee cannot
subsist, the Minister (I de-
ny not) if he be able, is
bound to helpe him; or
otherwise, to stiffe & po-
tents to supply the neces-
sities of their decayed
Brothers.

4. The Minister hath
warrant from the word
to partake of his increase;
but the Tradesman hath
no warrant from God or
man, to ingent with his
Pastor to beare part of his
losses

A New Discovery,

losses, if he will receiue a part of his gaines. *The labourer is worthy of his hire.* And Spiritualls deserue Carnals whether a man be a gainer or not. And he that is of a contrary opinion, I know not wherein (vnlesse in outward profession, which makes the matter worse,) he differs from a *Gadarene* who loues a good heard of swine better then Christ. If they loose their swine, let Christ goe seeke his maintenance where he can get it.

The second part
of the former
Dilemma.

Secondly, If the Lawes of the Kingdome; enacted by the King and the whole Body of the Kingdome, be not iust and agreeable to the Word in binding the Husbandman

bandman to payment of Tithes, How can a Minister with a good conscience lay hold on it for his maintenance from the Husbandman, so as not to neede the Tradesmans helpe? How can the Tradesmen stand still & looke on their poore Brother too heavy laden, & they (*Pharisee* like) not stoope to ease him with one of their fingers? How can they aduise, and put their Minister to sue Husbandmen for Tithes, so as to carue out his whole maintenance out of their estates, and the meane while themselves suppose they are not in iustice bound to doe any thing; or not to pay in proportion halfe so much as the others: and that which they doe, must be proclaimed and accounted,

ted, not a *due*, or iust pay-
ment, but a *free Contributio*,
a gift, a beneuolence which
they holde themselves no
way bound vnto? This
is neither agreeable to Reli-
gion, nor conscience, nor
Law, nor humanitie: and it
would better befit an A-
theist, then a Christian.

Thus of the first maine
Plea which Tradesmen urge
to proue themselves not bound
to pay any thing (aboue
their 2. d.) for their gaines
in Trading as a *due*, where
the Pastor hath a mainte-
nance out of other mens
Parishall Tithes.

2. Questi-
on and
Plea.

But now, suppose, the
Tradesman couinced that
he must pay proportionably
to others; yet How can it
bee proued to him who
denyeth Tithes to be now
due

due by Divine Right, that
he is bound in conscience to
pay the Tenth part of all his
cleere gaires.

He will plead, I give as
much and more then the
Law enioyneth: as much as
I am well able to spare:
more then many, worthie
of me, doe allow: as much
as I suppose my selfe bound
in conscience to give: and
more then my pastor can in
strictnesse require, or reco-
uer.

To this I answer. That
every mans conscience may
stand vpon a firme ground, it
must bee guided in every
thing by a sure Rule. The
Rule in this particular, is
either the expresse Word of
God; or else the Established
Law of the Kingdome where-
in a man liues, to which (if
it

Answer.

1. Pet. 2. 13.

Rom 13. 2.

it contradict not the Diuine Law of God himselfe,) euery person is bound to conforme, *as vnto the Lord*, and that vnder paine of *damnation*. Hee that liues in a well gouerned State must not walke by the guide of his owne fancie, and conceit, or by the Opinions of some *Good* men, or by the practife of such as are behind him in estate, and eminent for profession of Religion: but he must keepe to his Rule, or hee damnably sinneth. A good cōscience, finding such controuersie about the Ministers Portion, will sooner suspect his owne heart of couetousnesse, then his Pastors; especially if the Pastor be one that performeth his durie. Nor will he take liberty to suspend his pay-
ment

ment till the Title bee cleared: but knowing something he must doe, (yet ignorant, how much;) he will rather giue too much, then too little, for feare of ensnaring his conscience. And, if there be any Rule, hee will follow it to an haire, what ever it cost him, rather then hazard the peace of his heart.

Suppose a man to bee perplexed in conscience about this point. He sees *a Portion of all his goods* is due by Gods Command; nor can hee haue any colour of Reason, to deny, or euade it. Yet, for the *definite Quantitie* hee can finde no order, taken in all the *New Testament*, whether it be there to bee found, or not. This hee

C knowes;

Heb. 7. 9.

10.

Gen. 18.

22.

knowes; Tithes were once paid not only to *Leui*, but by *Leui* in the loynes of *Abraham* and *Iacob*. And if God had not commaunded this as a duty: yet those holy Patriarchs thought it their dutie to doe as much voluntarily, for the blessings of God receiued. Those Tithes had nothing to doe with *Leui*s Priesthood, no reference to it, no dependance on it. Thence a tender conscience may iustly thus reason the case. Though some men hold Tithes to bee no longer due then *Leui*s Priesthood endured, and peremptorily deny that before *Leui* any Tithes were paid by commaund from God; yet I finde they were paid, and accepted:

accepted: Since men cannot agree touching every mans particular duty herein, and that Holy men (before Levi) though they had (as it seemes to me) no expresse Rule did pay the Tenth of all: whether shall I lie in this my distresse to pacifie and settle my Conscience for time past, and to guide it safely for time to come? If there were from the beginning no particular diuine Rule, nor at this present there were any such, for the Quantitie due; yet if I were left to mine owne discretion, can I haue better Presidents then two such Patriarcks before the Leviticall Law? Or may I safely, (notwithstanding those examples, and the indgement of the whole Church

of Christ for above a thousand yeares,) governe my selfe by the Lawes of the State in which I live?

I aske now, in the Name of God, how I, or any Man else should satisfie and resolve this mans Conscience in such a perplexity? Will you haue mee to say vnto him, as the bloody Priests to *Indas*; *What is that to vs? Dooke thou to that?* Shall I tell him, *You were best keepe your mony till you see all men agree herein among themselves*; when he is tortured in soule out of feare he hath detained it too long already? Or shall I bid him *use his owne discretion*, and to *giue what hee thinkes in Conscience hee is well able to spare, and ought to giue?* This is cold comfort: poore reliefe.

Hee

Hee is almost at his wits end for trusting so much to his owne discretion already. This is the ground of his trouble, that hee hath followed his owne corrupt heart, and not any certaine and infallible Rule. And if a Tenth prove due by any Law sufficient to bind him, he shall but encourage him to steale, yea to commit *Sacriledge*, and many other sinnes of a high nature, who shall bid him giue only that which hee is well able to spare, though lesse then a Tenth.

See the
Aduertise-
ment to
the Reader
Num. 5.

The Law of God hath made something a debt to the Minister; and, if this Man hath not fully paid that due, it is not what he is *well able to doe*, that shall alwaies serue his turne before God,

when he will take vpon him to be the sole Iudge to himselfe. Debts must be paid, though the Debtor will not confesse himselfe well able to spare them. And to decide, *what hee is well able to spare*, will be a worke as difficult as the other.

None of all these waies then will proue sufficient to direct a doubtful and distressed Conscience. Nor doe I know any in the World soundly to resolute, and guide that Conscience, but one of these two: *viz.* I must bid him either,

1. *Looke into the Scriptures, and search what hath bin paid of old by the People of God, before the Leviticall Priesthood; and rather then ensnare thy selfe, follow those Examples till it*
be

be made cleere unto thee by
sure Grounds that those
Payments were neither en-
ioyned; nor, in equitie due;
nor that any in Conscience
is bound now to doe the
like. or,

2. Haue recourse to the
established Lawes of the
whole State and Kingdome
wherein thou livest, (who
haue absolute power to ap-
point and set out what Por-
tion they please of euery
mans estate for any Pub-
lique Vse, and euery one is
bound in Conscience to ren-
der the same): And looke
what the Lawes (thus rati-
fied) enioyne, that thou must
doe, or be a Rebelle.

Some Mammonist, per-
haps, suspecting whether he
may be drawne by yeelding
that to be a Due, which the

Law of the Kingdome hath
 settled vpon the Minister,
 would bee ready to say;
 " I promise you, I doubt
 " whether the Magistrate
 " hath Power to enioyne
 " Payment of Tithes, seeing
 " Good Men, and Great
 " Clerkes hold Tithes to be
 " so Iewish, and Leuiticall
 " that they were to be abo-
 " lished together with the
 " Ceremoniall Law; and
 " that the Magistrate should
 " appoint some other Main-
 " tenance. Now welfare
Brownist. What if in the
 Law, Tithes were Leuites
 Maintenance, may not that
 Maintenance be made ouer
 to another Order of Mini-
 stry, when Leui was degra-
 ded? May not mony once
 offered at the *shrine* of some
 Popish Saint, neuer be law-
 fully

fully appointed or imployed to any other vse? If this were sound Diuinitie, many of those ill-willers to Tithes should be much more afraid how they touch any mony, but that which comes new from the Mint, least (forsooth) it be such as formerly hath beene offered to some Romane Idol, and so it should pollute them to vse it, or touch it. But concerning any thing comming towards them, they *aske no Question, for Conscience sake*: therefore this, in their opinion (though the same with the other,) shall passe for a Toy.

But touching Tithes which is a sweet morsell that they are loath to part with: Is there any thing in the substance or nature of Tithes

C 5 that

A New Discovery,

that Legally typified Christ: If there bee, name it, and proue it, and you say somewhat. Otherwise, All you could inferre from that absurd graunt of Tithes to be solely and properly Leviticall Maintenance, would amount but to this Conclusion; *Tithes given to Levi for serving at the Altar, may not by any Power of the Magistrate bee still continued to Maintaine a Leviticall Priesthood.*

Howbeit, God, though he hath dismissed Levi, and repealed that Law of Tithes due to Levi; yet having appointed, that (as they that served at the Altar should line of the Altar, so) they which preach the Gospel should line of the Gospel; A Godly State (not taking vpon them

to

to be wiser then Hee him-
 selfe in the old Testament:
 or his Apostle Saint *Paul* in
 the New) will thus resolute:
 " Wee cannot possibly ap-
 " point fitter Maintenance
 " (all inconueniences con-
 " sidered) for Ministers
 " now, then God did of
 " old for the Levites; there-
 " fore wee will ordaine the
 " same Quantitie shall now
 " bee paide out of every
 " mans estate to the Mini-
 " sters of the Gospel, whose
 " Ministry being more ex-
 " cellent, their allowance
 " should not in equitie bee
 " lesse then that of Levi.

If it were a good Argu-
 ment to proue Tithes not
 lawfull or fit to bee now
 paid, because once employ-
 ed to maintaine Levites; It
 must be pressed, much ra-
 ther,

ther, vpon the Magistrate, that he is bound in Conscience to pull down all Churches, once superstitiously prostituted to Popish Idolatry, not suffering them to bee now vsed for the true worship of God. But hee that should vrge this, would manifestly declare to all the World his iust Title to Bedlam.

It may be, Some are of opinion that *Christians are now at liberty from such Impositions, so as a man may vse his owne discretion, and giue what hee thinkes fit.* But to this something hath beene said before; to which now I adde; that this were the high way to become *sonnes of Belial* indeed. We know how it went with Israel when *there was no King among*

among them, and *every man did as it seemed good in his owne eyes.* This indeede is that many Professors would haue: Liberty, Liberty. Let them be noted for bountifull; but not bound to bee iust. What would become of Ministers, (shall I say, nay), of themselves, if this gap should bee opened to the World that *Christians may doe as themselves see good?* Who would not *abuse his liberty as an occasion to the flesh?*

What though a few Honest men would pay their Dues iustly, although no Law of man should bee made: must their Honesty make the World of opinion that they ought not to bee bound to a Law? Would not every man plead the like;

like; and so all would come
soone to a confusion? Can
any of those Honest Men
proue that the Magistrate
hath no Power to rule them
herein? Should not they
rather for examples sake
(though they might plead
freedome) be first in yeel-
ding obedience to Lawes,
euen for their sakes, who
would neuer do iustly with-
out Lawes to enforce them?

Hath God bounded out
all mens estates by whole-
some Lawes; and hath he
left only Ministers to Peo-
ples Discretion and good
Pleasure, so as the Magi-
strate may not appoint them
a certaine Portion, as to his
Wisedome shall seeme most
conuenient, and agreeable to
the Lawes of God him-
selfe? Oh Sonnes of Belial
that

that thus prostitute Religion to palliate their covetousnesse? The Covetous Earth-worme would laugh in his sleene to see his elbow vnderlaid with such a Cushion. The Licentious Gallant would soone bring the Minister to his becke, and force him, Fidler-like, to play nothing but what Hee, and his lewd companions should please to call for; or make Him to begge his bread from Dore to Dore. And are these the best Rules our best Zealots would walke by? Then, Who would not pray; God defend mee from the Power, and Courtesie of all such Professors? Should not Papists (if this were allowed) haue iust cause to apply vs. to vs. that bitter Taunt,
W. Pater

Pater-Noster set vp Churches, and *Our Father* puls them downe?

The Law of the Kingdome, then, is the only sure Refuge of all that deny Tithes to be a Morall Commandement. This is the only Rule they haue in all other Reformed Churches and States (hauing Power to make Lawes) throughout Christendome.

Admit this for this time to be a sufficient Rule; and it must be graunted that, *The Lawes of this Kingdome established in parliament doe bind men both for Quantitie and Qualitie of the Ministers Maintenance: And hee that doth not strictly obserue it, can neuer haue a good Conscience, because hee swerues from the Rule of his owne choosing.*

What

Whatsoever is of force as a Rule of Faith to iustifie the Conscience walking by it, is also sufficient to bind the Conscience; and to condemn him of sinne that digresseth from it.

Let the Tradesman wrangle and wriggle till he bee weary, this Rope will hold him. Now graunt mee this, and graunt all I vndertooke to prooue: *viz.* that *Every Person within this Kingdome (not living in Places Priuiledged) is bound to pay the Tenth of all his cleere Gaines to his Minister.* For, this is the Law of this Kingdome enacted in the 2. and 3. yeares of *Edward the sixth, cap. 13.* Entituled, *An Act for the true Payment of Tithes.* In which Statute is ordained as followeth.

And

And be it further enacted by the Authozitie aforesaid, that every Person exercising Merchandizes, Bargaining and Selling, Cloathing, Handy-craft, or other Art or Faculty, being such kind of Persons, and in such kind of Places as heretofore within these 40. yeares have accustomedly used to pay, such Personall Tithes, or of right ought to pay, other then such as bee Common Day Labourers, shall yearly at or before the Feast of Easter, pay for his Personall Tithes the Tenth part of his cleere Gaires; his charges and expences according to his estate, condition or degree to be therein abated, allowed, and deducted.

To this it will be presently objected, Doe you not marke that clause, that men shall pay Personall Tithes
in

in such kinde of places as here-
tofoze within these 40. yeares
they haue accustomed to
pay such Personall Tithes :

Answer. I doe : and pray
you to obserue that which
followes : *viz.* or of Right
ought to pay.

Some, perhaps, are in
hope this will proue such a
Gordian knot, as will neuer
be vntyed. But to put them
by that vaine shift, let them
know that this will easily be
expounded (to the satisfa-
ction of such as desire the
truth may appeare,) partly
by *Other Parts* of the same
Statute; and partly by the
Maine *End* and *Scope* of the
Whole.

1. By other branches of
the Statute it will appeare
who they be that (not ha-
uing paid Personall Tithes,
yet)

This is ex-
plained.

1. By other
parts of the
Statute.

yet (of right out to pay.

In the next Fraction after that branch of the Statute here alleadged, it is said; *Provided alwaies* and be it enacted that in all such places where Handy-crafts-men have used to pay their Tenths within these 40. yeares, the same custome of payment of Tithes to bee observed and to continue. And a little after: *Provided* that this Act shall not extend to any Parish which stands upon and toward the Sea coasts, the Commodities and occupying whereof consisteth chiefly in fishing, and have by reason thereof used to satisfie their Tithes by Fish but that all and every such Parish and Parishes shall hereafter pay their Tithes according to the laudable customes as they have heretofore of ancient time within these 40. yeares used and accustomed, &c. And

And againe: **Provided** al-
waies and be it enacted that
this Act or any thing therein
contained shall not extend in
any wise to the Inhabitants
of the Citie of London, and
Canterbury, and the Sub-
urbs of the same: ne to any
other Towne or Places that
haue used to pay their Tithes
by their houses, otherwise
then they ought or should
haue done before the making
of this Act. Lastly, there is an
exception of the Tith of
Marriage goods in *Wales*.

Now these Exceptions do
abundantly expound that
clause who they are, that
in right ought not to pay:
namely, *All Handy-crafts*
men that paid lesse then the
Tenth by the space of 40.
yeares before the Statute:
All living vpon Fishing: *All*
in *London, Canterbury*, and
other

other Places having a custome to pay a rate by their houses: and Those of *Wales* in that one Particular.

Therefore it is euident that All others, though they haue not paid by 40. yeares before that Act, yet in right ought to pay. For, why else should so many bee exempted by Name, if the purpose of the Statute were not to bind all others not so exempted?

2. By the
maine
Scope and
End of the
Statute,

2. This appeares yet more cleerely by the *Maine Scope and End* of the Statute, as is manifest to euery man (though no Lawyer) that shall read and obserue it but with one of his Eyes.

The Intent of a Law, (say our Great Masters of the Law) is best discerned by the Preface vnto it. The
Preface

Preface of this Statute hath reference to Two other Statutes, one made in 27. Hen. 8. the other in 32. Hen. 8. to the same purpose: and it saith, that *divers things are needfull to bee added to those other Statutes, that Tithes may be truly paid according to the minde of the Law-makers,* for which purpose this last Act was made. Wee must then consider: 1. What was enacted: 2. What was defective in those former Statutes: 3. What here is supplied.

1. In the former Statute of 27. Hen. 8. it was resolved that as well *Personall as Prædiall Tithes were due unto God and Holy Church:* and therefore enacted that every subiect should pay them according to the Ecclesiasticall Lawes

1. What was enacted.

Lawes and Ordinances of the Church of England, and after the laudable vsages and customes of the place where he dwelleth. The Statute of 32. Hen. 8. was principally intended both to giue life to the former Statute, and also to enable Lay-men enioying Tithes to recouer them by Law, which, before they could not.

7. What
was defe-
ctiue.

2. Neither of those Statutes did particularly decree what *Prædial* Tithes should be due; from what Ground: and in what Quantitie in some Grounds: what Customes should hold, and what not: What Place; and Persons should allow *Personall* Tithes, and what not: nor how much should bee due, where no Custome, Composition real, or other
suf.

sufficient Priviledge takes place.

All these Defects are supplied in this Statute of Edw. the 6. For, (passing over the supplies touching Prædiall Tithes) wee may finde these supplies for Personal Tithes.

1. Whereas the former Statutes spake of them only in Groesse; This declareth of what in particular they shall arise.

2. Whereas the former did not expresse the iust Quantity exactly; This saith, the Tenth of cleere gaires.

3. Whereas the former did not speake of Customs in generall; This shewes where, land in what Places, and of what Quantity Customs shall be levied to

3. What is supplied.

to be

D

pay

A new Discovery,

paying lesse then a Tenth,
and in what not.

This Statute agreeth to
the best English Canon
Law made and established
for declaring, and paying
of Tithes both Prædial and
Personal, aboue 320. yeares
sithence: Only this Statute
of *Edw.* giues more to Cu-
stome, and to some Persons,
then that ancient Law doth.
Now, it is granted that so
much of the Canon Law as
is not against some Statute
in force, is still good Law.
In the particular of Tithes,
it is ratified by the Lawes of
the Kingdome. What there-
fore the Statute of *Edward*
the sixth hath not cut off
from that old Constitution,
it hath established for Law.
To make this cleare to
euery eye, doe but con-
sider

Consider these things: *viz.*

1. That the Statute of *Edward 6.* in the beginning saith thus; *We it ordeyned and enacted by the King, &c. that the said Acts made in the 27. and 32. yeares of the reigne of the late King Henry the 8. concerning true payment of Tithes, and every article and branch therein contained, shall abide and stand in their full strength and vertue. Therefore what euer was enioyned in those former Statutes, is by this Statute established to continue in full force.*

2. Consider that the Statute of 27. *Hen. 8.* doth in expresse termes ordaine payment as well of Personal as Prædial Tithes according to the Ecclesiasticall Lawes and Ordinances of the Church of England and after the Laudable vsa-

ges and customes of each
 Parish. And in that other
 Statute of 132. Hen. 3. the
 same was againe enjoy-
 ned, still having reference
 for kinde and Quantitie to
 the Ecclesiasticall Lawes,
 & lawfull Customes. There-
 fore what euer was then
 payable by the Ecclesia-
 stical Lawes of this King-
 dome, (unlesse in some
 Peculiaris where Cu-
 stomes laudable and law-
 full had taken root) be-
 fore that time in vse, was
 established by those Sta-
 tutes, and so reestablished
 by the Statute of Edward
 the sixth, to remaine in
 force as the Law of the
 Realmes of every Place
 and in every Ecclesiastical
 Court.

this, (as it is to be seene in

IN D VVO O N P P r o u i n c :
C o n s i t u t i o n e d e D e c i m a t i s .

Quon: Prop: ^{Personal}
Tithes should be paid from
Artificers, and Tradesmens
gaine of Trading. And so
from Carpenters, Smiths,
Plaisfers, Wheelers, Bru-
ers, and all other Labourers
who should all pay the
Tenth of their Wages.

This Canon was made at
a Convocation holden at
London in 23. Edward. 1.

And is rightly reasoned,
by Mr. Selden, in the epi-
tome of the English Canon
Lawes. It is the Principall
Rule and Law for sundry
Tithes, therein (and no
where else) expressed,
which hath force to this
Day from the Statutes
aforesaid, as daily ex-
perience

Stacimus
etiam quod
Decimæ
personales
soluantur
de artifi-
bus, & Mer-
catoribus,
scilicet de
lucro nego-
tiationis.
Similiter
de carpen-
tariis, fa-
bris, cem-
tariis, tex-
toribus,
pandoxa-
tricibus, &
omnibus al-
ijs stipen-
dariis: vt
videlicet
dent Deci-
mas de sti-
pendiis suis,
nisi sti-
pendarii in-
si aliquid
certum ve-
lint dare ad

orus, vel
ad lumen
Ecclesiz, si
Rectori ip-
sius Eccle-
siaz placue-
rit.

* History
of Tithes.
cap. 8. pag.
232.

A New Discovery,

perience sheweth.

From the Premisses
these Conclusions doe vn-
denyably issue.

1. That in all Places Per-
sonal Tithes of right ought
to be paid where any Lawes
enacted within 40. yeares
before the Statute of *Ed-
ward the sixth* hath com-
maunded their Payment.

2. That all Personall
Tithes decreed to be paid in
those two Statutes of *Hen. 8.*
are still due of right; both
because they were made
within 16. yeares before that
of *Edward 6.* and because
this last Statute doth ratifie
those, and every branch of
them.

3. That all Personall
Tithes that of right ought
to be paid by the space of
24. yeares before either of
those

those Statutes of *Hen. 8.* are still due; because the Statutes of *Hen. 8.* were made but 16. yeares at most before that of *Edward 6.* and this Statute extendeth to 40. yeares backe-ward.

4. That all Personall Tithes due by the old Canon before mentioned, are due by the Lawes of this Realme: forasmuch as the Statutes of *Hen. 8.* doth ratifie that Canon, and the Statute of *Edward 6.* doth ratifie those Statutes, except before excepted.

5. That therefore the Statute of *Edward: 6.* (giuing force to the old Law which enioyned the payment of Personal Tithes,) doth intend and commaund that the Tenth part of euery mans cleare Gaines (except

such as are expressely excepted in the said Statute,) should bee paid by euery man to his Minister.

That it is not needfull for the Minister to proue (if he will recover or demand Personal Tithes where they were neuer paid,) that such Tithes haue beene constantly, or at all paid in the Place where hee liueth; by the space of 40. yeares before the Statute; since the Statute maketh them due, where, of right they ought to be paid.

Though the Right bee cleare enough, yet to make all men see it with both eyes without Spectacles, I will reduce all that hath beene spoken to proue the right of Personal Tithes, into forme, thus.

There

There Personal Tithes
of right ought to be paid by
vertue of the Statute of
Edward the sixth, where
there was any right to them
within 40. yeares before
that Statute, although they
were not actually paid. But

There was in all places
a right unto Personal
Tithes by 40. yeares before
that Statute, though they
were not actually paid.
Therefore in all Places
(not expressly excepted in
the Statute of Edward the
sixth) Personal Tithes
ought still to be paid
though it cannot be proved
that they were actually paid
in all that time. The Mi-
nor is proved, thus.

There must needs be a
Right to pay Personal
Tithes, where any Statutes

still in force, enacted with-
in 40. yeares before that
Statute of Edward, enioyne
the payment of Personal
Tithes. But

Both those Statutes of
Hen. 3. enioyned the pay-
ment of Personal Tithes,
and were enacted within
40. yeares of that last Sta-
tute, and are still in force:
Therefore Personal Tithes,
that is, the Tenth of every
mans cleere gaines, are still
due and of right ought to
be paid by all Persons, and
in all places not expressely
exempted by Statute, though
it cannot bee proved that
they were ever actually
paid.

If any should say; Where
the Custome of the Place hath
beene to pay nothing, nothing
is due. This will appeare to
be

be a meere Cauil, by that
 one Maxime knowne to Al
 of any experience or obser-
 uation. *De non Soluendis de
 cimis non valet consuetudo.*
 Custome of paying no-
 thing, is worth nothing. The
 reason giuen by Lawyers is,
iuri natura & diuino contra-
ria est. Because it is contra-
 ry both to the Law of na-
 ture, and God himselfe. The
 Law in such a case is this;
 Where men pay no Tithes
 at all of any thing made
 Tithable by any Law, there
 Tithes (valesse some speciall
 Primiledge allowed by Law
 bee pleaded and proued)
 must be paid to the vtmost
 extent that any Law hath
 decreed such Tithes to bee
 paid in any place. So then,
 He that confesseth he neuer
 paid any thing, nor that it
 hath

hath beene the Custome of the Place where he liueth, so to doe maketh himselfe liable to pay the full Tenth.

Least any man should suspect me of ignorance, or partialitie in this point, because I seeme out of my element: I will produce Mr. *Selden* (none of the best Proctors for vs Tithing-men, but One with whom we poore Vicars are daily nosed,) to brush off this aspersions, if any be cast on mee.

He, in his *History of Tithes*, Cap. 10, shewing that *Mortuaries* first became due vpon the generall presumption of euery mans negligence in paying his *Personall* Tithes in his life time, (for which cause a Mortuary was giuen in lieu of such Tithes vnpaid at death:) hee alledgeth

geth a Case adjudged in
 the *Edwards 3rd* wherein the
 Person of *Whitnell* be-
 ing sued for taking away a
 Horse for a Mortuary at the
 death of one of his Parish,
 according to the ancient
 Custome of the Land and
 Holy Church, was acquit-
 ted against the Plaintiffe, and
 his Action found to be agree-
 able to the Law.

This he vttereth to proue,
 that Custome hath ever
 beene held as Law, even for
 such Personal Tithes. But
 he explaineth himselfe thus;
 Where any Statute hath made
 a discharge, or Prescription,
 or Custome hath settled a Mo-
 dus, decimandi, or certaine
 Quantities payable, though na-
 uen so little, for the Tith,
 there, by the Lawes of the
 Kingdome, the Owner is not
 bound.

bound to pay other Tith then
the Statute, or Custome, or
prescription binds him to.
Which yet must bee so under-
stood in the Case of Lay-men,
that Custome or Prescription
founded in their Possessions as
Lay, cannot wholly discharge
the Tith, or bee De non de-
cimando, but may well bee
De modo only. Otherwise is
it in the case of Spiritual Per-
sons, that may by the Common
Law be by Prescription whol-
ly discharged, and prescribe
De non decimando. AND
THIS IS REGULAR-
LY CLERKE LAW.
Thus, that Master of the
Law. This considered, doth
fully plucke vp another ob-
jection by the rootes which
any wrangler might make
from thole Phrases in the
Statutes

Statutes of Henry the 8.
 which say, men shall pay
 their Tithes according to
 the laudable and lawfull vsa-
 ges and customes of the
 Places wherein they live.
 Those Customes are neither
 laudable, nor lawfull which
 are pleaded for paying of
 nothing. It is not said that
 where any Custome hath
 beene to pay nothing, no-
 thing shall be paid: but, men
 shall pay their Tithes accor-
 ding to the laudable vsages
 and customes of each place
 where they live. There-
 fore it must be vnderstood
 of Customes by which men
 doe Pay something: All
 being ryed to Pay, and all
 Customes of ~~paying nothing~~
 being vtterly voide. To say,
 that Law, which Com-
 maunds some men to pay,
 ACCOR-

according to Custome doth
 allow the same men to
 plead Custome for paying
 nothing, is a Contradiction
 very ridiculous.

But yet some may say:
 If the Law bee so firme for
 personal Tithes, How is it
 that Ministers call not for
 them, and that they doe not
 recover them by Law?

To this I may answere
 with Griefe. That Law
 which hath made them
 due hath given vs power
 enough to recover them
 of every man that is Ho-
 nest, and makes consci-
 ence not to lie, or de-
 ceive: but it hath not gi-
 ven vs strength sufficient to
 recover them if they bee
 denied by a Knaue: for
 it debarreth vs of the Prin-
 cipall and indeed the only
 meanes

meanes of finding out what
every dishonest mans games
are: namely, *the Oath of*
the partie that is to pay
them.

The Makers of this Law
supposing Tradesmen bred
in Townes to have more
Guiltie then others, and
presuming of their hone-
sty and conscionableness to
pay their dues to the Mi-
nister, without suites in
Law, did purposely pro-
vide that the Tradesman
should not bee forced to
discourage his Estate to the
World so oft as otherwise
(in likely hood) hee should
bee required; which might
proove much to his prei-
udice. It was their Indul-
gence to enioyne the duty
without binding him to this
extremtie: but it was their
purpose

purpose to tie his conscience the more to doe iustly herein, as he will answer the contrary at his perill to God, to whom they leaue him for punishment. Else why should they make such a law to declare what was due, and command the *payment at Easter.*

He that shall say, I am not bound by Law, where the Law hath omitted any one way to compell mee, doth most impiously abuse the Lenitie of the Magistrate, and beleeues the Magistrate doth neuer command till he smite. In Diuinity it is no better then Heresie, (if it be stood vnto ;) and in Morality, no better then sowing the seeds of Sedition and cursed Rebellion, to hold, *That no Law hath any force to binde,*
but

but where it giues power to punish : And that the Magistrates word shall bee void, where his sword doth not follow at the heeles : nor ought to bee longer obeyed, then hee is fighting, or putting weapons into other mens hands. It is a thousand pitties they should want blowes who will doe nothing without them. When the Apostle saith, *The Law was not made for the righteous, but for the Lawlesse, and disobedient*; he meant, (as I thinke you will grant,) that the curse and punishment of the Law was not intended to the righteous, because hee would obserue it so carefully, that there should be no need of Compulsories to be seru'd vpon Him. But doth the Apostle thereby exclude him from

1 Tim. 1. 6.

from the commaundement
and Rule of the Law: Who
but an Epicure, or Mad-man
would make such a Glosse?
When God gaue authoritie
to the Husband to comānd
his Wife in lawfull things;
but not to beat her: Shall
the Wife shake off the yoke
of obedience which is im-
posed by the Husband; and
say, *God neuer intended that
I am by which my Husband
seekes to command me, should
binde mee; because he hath
denied him power, to compell
me by stripes?*

What though the Statute
deny vs the oath of the Par-
ty, yet it commands payment
at Easter, in expresse termes:
and giues power to sue him
and to examine him by all
other lawfull and reasonable
meanes: so as he shall bee
com-

compelled to speake truth,
or falshood. The Ordinary
may compell him to say
what he hath gained, though
he cannot compell him to
swear. This indeed makes
some difference when a man
is to deale with a false
Knave: but none at all when
he is to deale with honest
conscientious men. And if
the Statute had given vs the
Oath of the Party; unlesse
we should get another Statute
enacted, not onely to en-
ioyne, but to make all men
to be honest; our case would
be but little. Yea very little
better then it is. I need say
no more to Reasonable men:
yet something more, which
makes it very manifest, that
the Statute doth binde
all men to pay Burthens
& Tithes, though they will
not take the Oath.

Oath of the Party. The Statute doth not onely giue power to the Ordinary to examine a Tradesman, as aforesaid ; but also to order him according to what the party shall confesse, or can be otherwise proued, (as in Predial Tythes,) or else to excommunicate him for his contumacy; & afterwards, to require a Writ out of Chancery *De Excommunicato capiendo*, if the Parry shall continue his contempt for the space of forty Daies.

But, what if it should be granted that Tradesmen are not precisely and formally bound by that Statute, as Husbandmen are ? What would they gaine to iustifie themselves in point of Equitie and Conscience ? Let them suppose themselves
free

free from the Law in the strictnesse and rigour thereof; yet they must confesse the Husbandman to be absolutely bound to a Tenth. Nor will any but Brownists and Rebels deny the Power of the Parliament to appoint that Quantitie. Now the Law binding the Husbandman, doth as firmly, in equitie binde Tradesmen to the same proportion, if they will not hold themselves Lawlesse, but acknowledge themselves bound to that Law which bindeth the rest of their Brethren.

There be two things that binde to a dutie: *Iustice*, and *Equitie* the ground of *Iustice*. In *Iustice* (as it is strictly taken) he onely is bound on whom the Law established doth absolutely, directly,

ly, and expressly take hold, and commandeth him *formally*. But in *Equitie*, which is the ground of Law, every man living in the same State is *truly* bound also, to whom the same *Equitie* on which the Law enacted was built, equally extendeth.

To shut vp all, From all that hath beene said, I may iustly draw foure *Conclusions* more.

1. Whosoever gaineth by Trade, bargaining, or other lawfull meanes, being not exempted as aforesaid, must pay the Tenth of his cleere gaires, or he sinneth against the lawes of this Land.

2. Whosoever in this case wilfully violateth the lawes of this Realme, is a double sinner against the Law of God: for he breaketh by this Commande-

ments, & thou shalt not sweale
and committesth Sacriledge
by withholding that which
lawfull Authoritie hath law-
fully consecrated to God.

3. Although a man im-
ploy part of his stocke in
husbandry, yet is hee bound
to pay the Tith of his Gaines
by Trading (if hee use any)
as well as if he paid no Pra-
dial Tithes at all.

4. They who being infor-
med of this Dutie, and con-
vinced in their iudgement
thereof, are bound to Resti-
tution (unlesse their Pastors
remitt it) of all they have hi-
therto wrongfully detained, so
neere, and as full as they
are able. Otherwise, they
wickedly robb the Minister,
and lye in a damnable sinne
without repentance: nor can
they in such a condition ex-

peck any thing from God but
wrath and a curse upon them
and theirs; let their Profes-
sion and forwardnesse in other
duties of Religion be what it
will.

I expect many to cry out
upon this, as strange and
hard Doctrine: and to say,
If wee should pay all Arre-
rages, wee should part, it
may bee, with halfe our e-
states. But then I must An-
swere: to the first part, if
it bee true, (as you see it is,)
the strangenesse of it must
not make any man bold to
kicke against the Pricks. And
to the latter, I say.

1. It is unlikely and
vnprobable that the
Tenth part of a mans
cleere gaires should bee
halfe his estate both of
Stocke and Gaires.

2. Admit

2. Admit it were so, yet if what thou deteinest be none of thine, it will make a greater hole in thy conscience, then it can in thine estate by parting with it. The V-surer and the Theefe haue as good a Plea as this against Restitution.

3. *Ezechias* did as much, and our Saviour approued it as one signe that proued him *A-sonne of A-braham*: Grace will make men iust; though it should make them as poore as *Lazarus*. Restitution with an ouer-plus, if they be able, shall be ynto them, as any other durie enioyned by God.

4. If God haue blowne vpon thy dishonest gaine;

and made thee vnable to
 Restitution; then behold
 his hand; humble thy
 selfe even vnto Hell for
 this sinne; and desire of
 God one way or other
 to repair the wrongs
 that cannot bee repaired
 by thy selfe. And in this
 case, hee were an hard
 and most vnconscionable
 Minister that should re-
 quire more.

Let not Restitution then
 be held an vnjust and cruel
 imposition. And for pay-
 ment of Tithes for time to
 come, stick not at it, see-
 ing thou now seest it to bee
 thy dutie: doe it cheere-
 fully, least God account
 it as not done at all.

Consider (besides all the
 former discourse) this one
 thing: Hee that willingly
 and

and iustly payes the Ministers Portion hath a more speciall promise of God to thrive in his Calling, then any man hath, for performance of any one other particular dutie whatsoeuer. The Promise I meane, is in *Malachy* 3. 10, 11, 12. and it is this; *Bring yce all the Tithes into the Store-house that there may bee meat in mine house, and proue mee now herewith, saith the Lord of Hosts, if I will not open you the windowes of heauen, and poure you out a blessing, that there shall not bee roome enough to receiue it.*

And I will rebuke the deuourer for your sake, and he shall not destroy the fruit of your ground, neither shall your vine cast her fruit before the time in the field,

saith the Lord of Hosts. And all nations shall call you blessed: for yee shall be a delight, some land, &c.

Now hee that doth not obey this iniunction, (at least so farre as now by Law he is tyed) doth thereby proclaime that hee doth not beleue this promise: Hee saith in his heart that in this point God is a Lye, and it is in vaine to serue him.

One Scruple yet is behind. Some may say, It may bee my Minister is variable, unfaithfull, or scandalous: must hee haue Tenith too?

Though such a person deserue them not, yet being actually possessed of the Church (and presumed in Law to bee such as hee ought)

ought) Hee may claime
them as due in the right
of the Church, untill Au-
thority shall take notice of
his demerit, and discharge
the Church of such a bur-
then.

Secondly. He that sought
to wind himselfe out of the
brakes of Tithes due by
Divine Right, supposing it
better to stand to the Ma-
gistrates Discretion, may
see what a fine Snare hee
hath made for himselfe.

Hee must not heare of
Tithes due by the Old Ti-
tle. The Magistrate must
give him his Rule. Well.
A Law is now establish-
ed. This Law binds eve-
ry man to give the Tenth
of his cleare Gains to his
Minister. It makes no ex-
emption of Bad Ministers.

E 4 There-

Therefore The Tradesman is bound in Conscience and by Law to pay Tithes to his Minister be he Good or bad : or his owne Rule will cast him for a Sinner.

If I owe mony to a Drunkard, I may not iustifie the deteining of it, when it was due, because I know he will abuse it to more drunkenesse, ryot, and other sinnes against God. I may labour his Reformation by the Magistrate, but may not deny him his dues. His disorder cannot warrant me to be vniust. The Law for Tithes makes them as due to the Minister, as Law can make them : and supposing that euery Patron and Bishop will be carefull to place none in any livings but such as are worthy : it exempts none
from

from the exhibition of the Place to which they are inducted. Therefore the Tradesman or any other cannot without Theft and Sacriledge deny any Minister his dues, so long as he stands possessed of the Church, and in the relation of a Pastor vnto him. If any man haue iust exception against his Minister, they know *the Law is open, and there be Iudges, let them implead one another.*

Whosoever shall keepe the whole Law, and yet offend in one point, is guilty of all. Iam. 2. 10.

Thou that abhorrest Idols doest thou commit Sacriledge. Rom. 2. 22.

F I N I S.